

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-00375-01-CR-W-HFS
)	
PAYTON PARKS,)	
)	
Defendant.)	

ORDER

A motion to suppress having been filed, a hearing was held by Magistrate Judge Larsen, and a report and recommendation issued urging that the motion be denied.

The principle issue asserted by way of objection is that there was no probable cause to stop the vehicle in which a firearm was found. Doc. 36. It is contended that the alleged traffic offense, failure to have a properly illuminated license plate, was legally unsound because the officer was uncertain about how far from the vehicle he was when he was able to read the plate. Tr. 32. Because illumination must allow the plate to be read from a distance of 50 feet, counsel apparently contends that if in fact the plate could be read at a distance greater than 50 feet no vehicle illumination was needed. I believe this is legally unsound. Sec. 307.075(1), RSMO. The 50 foot test is one measuring the strength of the illumination system, which is not here pertinent.

I have reviewed the transcript and briefing. For reasons stated in the report and recommendation, the motion (Doc. 20) will be denied. SO ORDERED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

August 13, 2008

Kansas City, Missouri